



Indiana Department of Education

SUPPORTING STUDENT SUCCESS

MEMORANDUM

TO: All Superintendents and Charter School Sponsors

FROM: Melissa K. Ambre, Director
Office of School Finance

DATE: September 23, 2009

SUBJECT: 2009-2010 School Textbook Reimbursement

Please read all instructions before trying to submit your required student and claim information. If your school submitted a claim in the 2008-2009 school year, the aged student data is available on the Application Center under the Administration menu as a possible starting point for the 2009-2010 submission. As in the past, you will need to submit student information for all students being claimed; including students who are pre-certified.

The Department also held a Web Ex meeting on Textbooks on September 22 and the recording will be placed on the STN Home page at <http://www.doe.in.gov/stn/>.

The process requires that all student data be submitted through the Application Center prior to filling out the claim form. A copy of the (TB) textbook data layout for use in submitting the student data is available at: <http://www.doe.in.gov/stn/Sections/TB/TB.html> . Once you are satisfied with your student data submission (have checked the transfer results) you will be ready to begin filling in your textbook claim form. Select the button for Textbook Reimbursement Summary Claim and follow the direction for entering the data in the form. Column two (number of students by grade) on the claim will be pre-populated based on the student data you submit. You will need to input the cost of textbooks and workbooks as in the past. **Remember our program does not take the cost for one student and expand it for you!**

Please be aware that if you submit additional student information after filling out the claim form, you will need to revise the claim form also. Hopefully, this submission procedure will allow us to make the distribution earlier as all claim forms should be in balance at the time submission is completed using the pre-population process.

The usual instructions for the claim form, designed to assist you and your staff in completing the filing process, as well as a blank working copy of the claim and a Q&A of commonly asked questions, are enclosed. Please be sure all individuals responsible for sections of the claim receive a COMPLETE set of instructions.

In order to be guaranteed some level of reimbursement, your claim **must be received be submitted in the Application Center on or before OCTOBER 30, 2009.** Web submission will be turned off at

midnight of October 30th, so be sure to get your data entered before that time. Also be sure you print, sign and send us a signed original of the claim for our audit process. Please submit this signed copy to our office by November 13, 2009. In the event the total reimbursement claimed exceeds the appropriation available, all requests will be reduced proportionately.

If the reimbursement received from the state is less than the rental fee assessed, the school corporation may request that the parent or emancipated minor pay the balance. **PLEASE NOTE: School corporations may request but cannot require the parent or emancipated minor to pay the balance.**

As stated in IC 20-33-5-3:

Sec. 3. (a) If a parent of a child or an emancipated minor who is enrolled in a public school, in kindergarten or grades 1 through 12, meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may not be required to pay the fees for school books, supplies, or other required class fees. The fees shall be paid by the school corporation that the child attends.

(b) The school corporation may apply for a reimbursement under section 7 of this chapter from the department of the costs incurred under subsection (a).

(c) To the extent the reimbursement received by the school corporation is less than the textbook rental fee assessed for textbooks that have been adopted under IC 20-20-5-1 through IC 20-20-5-4 or waived under IC 20-26-12-28; the school corporation may request that the parent or emancipated minor pay the balance of this amount.

It is the position of the Department of Education that a school corporation may **request** an eligible parent to pay the difference, but the parent **cannot be required** to pay the difference. This means the parent cannot be sued in small claims court or referred to a collection agency by the school corporation for collection of the difference.

This is the same position taken by the Indiana Court of Appeals in 1990. In **Gohn v. Akron School**, 562 N.E.2d 1291 (Ind. App.3 Dist. 1990), a public elementary school brought legal action against parents who were eligible for financial assistance to collect the difference in unpaid textbook rental fees. The court of appeals held that the school was barred from taking legal action against the parents. In interpreting the statute the court determined that "[r]equest means to ask for, not compel through legal action," and further stated:

[Ind. Code] 20-33-5-11 allows a school to take legal action to collect unpaid textbook rental fees only against parents ineligible for financial assistance for school children. Indiana law barred Akron School from taking legal action to collect unpaid textbook rental fees when the [parents] were eligible for financial assistance for school children.

Please be advised that at no time may you deny textbook assistance to an applicant who meets the federal free/reduced lunch guidelines and at no time may you compel eligible parents to pay the balance of textbook rental fees not paid by the state. IC 20-33-5-11 allows a school to take legal action to collect unpaid textbook rental fees only against parents determined to be ineligible for financial assistance for school children. Please be reminded that IC 20-33-5-2, the Financial Assistance for School

Children statute includes students who qualify for reduced priced meals under the National School Lunch Program.

In addition, under IC 20-33-5-11 a school corporation may not withhold from any student school books and supplies, require any special services from a child, or deny a child any benefit or privilege because the parent fails to pay required fees. A school corporation may not withhold textbooks, workbooks, report cards, pre-paid school pictures, transcripts, or any other service as a result of unpaid fees. This applies to all students, regardless of whether the family is found eligible for financial assistance for school children.

Questions concerning the completion of your claim should be directed to Melissa Ambre or Peggy Smith at (866) 234-1414 or (317) 232-0840.

Enclosures

School Textbook Reimbursement Contingency Fund Instructions

Reimbursable Items

1) *Textbooks (including textbooks used in special education and gifted and talented classes)*

The term "textbook" means systematically organized material, designed to provide a specific level of instruction in a subject matter category.

To be claimed for reimbursement, textbooks must: 1) be listed on the official state adoption list; 2) must have been waived by the State Board of Education; or 3) must be used in special education or gifted and talented classes.

Textbooks used in approved instructional courses that are not included on the official state adoption list (open categories) must be adopted for use by the local school corporation.

2) *Workbooks (including workbooks used in special education and gifted and talented classes)*

The term "workbook" means consumable, copyrighted material used by students for no more than one (1) school year which supplements a textbook and is designed to guide the work of a student by providing questions, exercises, etc.

3) *Consumable Textbooks (including consumable textbooks used in special education and gifted and talented classes)*

The term "consumable textbook" means a consumable core instructional textbook used by students for no more than one (1) school year. In addition, consumable kit materials that are part of an adopted textbook are considered in this category for reimbursement.

4) *Consumable Instructional Materials used in special education and gifted and talented classes.*

The term "consumable instructional material" means instructional material used by students for no more than one (1) school year. This category is for special education and gifted and talented classes ONLY.

5) *Developmentally Appropriate Material for instruction in Kindergarten through Grade 3, laboratories, and children's literature programs.*

The term "developmentally appropriate material" means material that is used instead of the purchase of a textbook.

Grade 1, 2, and 3 developmentally appropriate materials would only be reimbursed for special education and gifted and talented classes unless a waiver not to use a textbook has been obtained.

School Textbook Reimbursement Contingency Fund - Instructions

Column 1 - Grade Level

- a. Grade levels for Kindergarten through Grade 12 are represented.

Column 2 - Number of Eligible Students (Pre-populated based on your student data submitted).

- a. Only students who have met the eligibility determination for APPROVED FREE OR REDUCED PRICE MEALS or APPROVED FREE OR REDUCED PRICE MILK are eligible for textbook assistance.
- b. All eligible students, including eligible gifted and talented and special education students must be classified by grade.
- c. Each school must maintain complete and accurate information concerning the number of students determined to be eligible for assistance for State Board of Accounts audit.

Column 3 - Total Cost of Textbooks

- a. The cost of each textbook must be the price as listed on the official textbook adoption list(s) or the verifiable purchase price for open category textbooks and textbooks used in gifted and talented and special education. Do NOT use textbook rental costs or class fees of any type.
- b. Prorate textbooks which are shared by students and textbooks used on a quarter or semester basis.
- c. Kindergarten textbooks are eligible for reimbursement if the textbook is listed on the official adoption list or if it has been adopted for use by the local school corporation.
- d. Provide the TOTAL COST of textbooks for all eligible students at the appropriate grade level. Example: If the cost of textbooks for one third grade student is \$100 and you have 22 eligible third grade students, the total cost of textbooks is \$2,200.00.
- e. Textbooks which have been adopted (or waived) by the State Board of Education and textbooks for approved instructional open categories, gifted and talented education programs, and special education programs are the ONLY textbooks which may be claimed.
- f. The state does NOT reimburse for supplies or class fees. These expenses are the responsibility of the local school corporation.

Column 4 - Total Textbook Entitlement

- a. This column is the product of the total costs, which appear in Column 3, multiplied by twenty percent (.20) and rounded two decimal points (.005 rounds up to .01 and .004 rounds down to .00). This calculation happens automatically in the claim form application.

Column 5 - Total Cost of Consumable Textbooks and Workbooks

- a. Consumable textbooks are those which have been adopted (or waived) by the State Board of Education as well as those consumable textbooks for approved instructional open categories, gifted and talented education programs, and special education programs which have been adopted for use by the local school corporation and are used by students for no more than one (1) school year. These books might include approved primary grade math books, handwriting books, and similar textbooks.

Consumable kit materials that are part of an adopted (or waived) textbook are reimbursable under this category.

Workbooks are those consumable, copyrighted materials designed to supplement textbooks and guide the work of a student by providing questions, exercises, etc. Workbooks are used by students for no more than one (1) school year.

- b. The cost of each consumable textbook and workbook must be the price as listed on the official textbook adoption list(s) or the verifiable purchase price.
- c. Provide the TOTAL COST of consumable textbooks and workbooks for all eligible students at the appropriate grade level.

Column 6 and Column 7 - Consumable Instructional Materials

- a. ONLY consumable instructional materials for gifted and talented and special education may be claimed for reimbursement.
- b. The cost of each consumable instructional material must be a verifiable purchase price. The Department has the authority to request purchase orders; therefore, you must maintain complete and accurate records regarding the cost of instructional materials.
- c. For school corporations sending students to a special education cooperative and being billed a flat instructional fee (not a tuition fee) for those students, the total fee may be listed as instructional materials and the textbook/workbook breakdown will not be necessary. You must maintain a bill from the cooperative that reflects the instructional fee charged and paid.
- d. Provide the TOTAL COST of consumable instructional materials for all eligible gifted and talented and special education students at the appropriate grade level in the appropriate column.

Column 8 - Developmentally Appropriate Material

- a. Developmentally appropriate material means material that is used instead of the purchase of a textbook.
- b. In an adopted category, if a waiver not to use a textbook has been obtained, the cost of developmentally appropriate material may be claimed for Kindergarten through Grade 3, laboratories, and children's literature programs.

In open categories, gifted and talented education programs, and special education programs, if a textbook is not purchased for a course, the developmentally appropriate material may be claimed for Kindergarten through Grade 3, laboratories, and children's literature programs.

- c. The amount of reimbursement requested must be amortized for the number of years in which the material is used and cannot exceed a total of 100 percent of the costs incurred. The cost of each developmentally appropriate material must be a verifiable purchase price. You must maintain complete and accurate records regarding the cost of developmentally appropriate materials.
- d. Provide the TOTAL COST of developmentally appropriate material for all eligible students.

Column 9 - Total Amount Claimed (4 + 5 + 6 + 7 + 8)

- a. Column 9 is the sum of Columns 4, 5, 6, 7, and 8. This represents, by grade, the entitlement for reimbursement and is calculated by the computer upon submission of your data.
- b. The vertical addition of Column 9 provides the Grand Total amount which the school corporation is eligible to receive from the School Textbook Reimbursement Contingency Fund for eligible free/ reduced lunch students and is calculated by the computer.

FINAL CHECKS

- a. Claims from individual schools buildings are not acceptable. One claim form is to be submitted for each corporation.
- b. Be certain that the date, signatures, and phone number of the preparer have been included on the hard copy of the form submitted to the Office of School Finance by November 13th. Be sure to retain a copy for your records.